

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

VINCENT HORNS,)
Petitioner,)
v.) No. 1:22-cv-02406-JPH-TAB
STATE OF INDIANA,)
Respondent.)

ORDER TO SHOW CAUSE

Petitioner Vincent Horns filed the instant habeas petition pursuant to 28 U.S.C. § 2254 challenging his state-court conviction.

First, Mr. Horns' motion to proceed *in forma pauperis*, dkt. 2, cannot be ruled on because he has not submitted a copy of the transaction history associated with his institution trust account for the 6-month period preceding the filing of this action on December 14, 2022. Mr. Horn shall have **through January 17, 2023**, in which to submit this information to the Court.

Rule 4 of the *Rules Governing Section 2254 Cases in the United States District Court* provides that upon preliminary consideration by the district court judge, "[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner."

"To protect the primary role of state courts in remedying alleged constitutional errors in state criminal proceedings, federal courts will not review a habeas petition unless the prisoner has fairly presented his claims throughout at least one complete round of state-court review, whether on direct appeal of his conviction or in post-conviction proceedings." *Johnson v. Foster*, 786 F.3d 501, 504 (7th Cir. 2015) (citation and quotation marks omitted); see 28 U.S.C. § 2254(b)(1)(A).

Mr. Horns' petition states that he was sentenced in state court on October 24, 2022. Dkt. 1 at 2. The Court takes judicial notice of the online docket in Mr. Horns' state appeal which reflects that he initiated his direct appeal on November 30, 2022. *Horns v. State*, 22A-CR-02813, available at mycase.in.gov. It appears that he has not presented any claims through one complete round of state-court review in the Indiana state courts before filing his habeas petition.

For these reasons Mr. Horns shall have **through January 17, 2023**, to show cause why this habeas petition should not be dismissed without prejudice for failure to exhaust his state court remedies. This means he can refile his petition after he exhausts them in state court.

SO ORDERED.

Date: 12/19/2022

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana

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